



Please type a plus sign (+) inside this box → ☒


PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

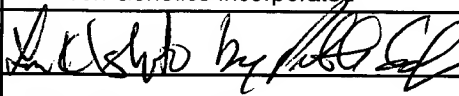
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|----------------------|------------------------|--------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/813,290 | |
| | Filing Date | 03/20/01 | |
| | First Named Inventor | Walke | |
| | Group Art Unit | 1653 | |
| | Examiner Name | B.D. Chism | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | LEX-0151-USA |

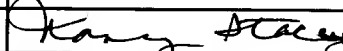
RECEIVED
SEP 20 2002
TECH CENTER 1600/2900

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (Restriction) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard |
| Remarks | | |
|  24231 PATENT TRADEMARK OFFICE | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated |
| Signature |  Peter G. Severian Key 60462 |
| Date | September 16, 2002 |

CERTIFICATE OF MAILING

| | | | |
|---|---|------|--------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2326, Arlington, VA 22202 on September 16, 2002 this date: | | | |
| Typed or printed name | Nancy Stacey | | |
| Signature |  | Date | September 16, 2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walke *et al.*

Group Art Unit: 1653

Application No.: 09/813,290

Examiner: B.D. Chism

Filed: March 20, 2001

RECEIVED

SEP 20 2002

TECH CENTER 1600/2900

Title: Novel Human Secreted Proteins and
Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0151-USA

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement mailed August 16, 2002 (Paper No. 9), to consider the remarks therein.

Restriction Requirement

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- | | |
|------------|---|
| Group I: | Claims 1-4, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. |
| Group II: | Claims 5-7, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. |
| Group III: | Claims 8-10, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. |

Response to Restriction and Election Requirement

In response to the Restriction Requirement mailed August 16, 2002 (Paper No. 9), Applicants

elect without traverse to prosecute the claims of Group I, comprising Claims 1-4, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. Applicants further elect, pursuant to 35 U.S.C. § 121, the species of nucleic acid SEQ ID NO:1 (and encoded amino acid sequence SEQ ID NO:2) for initial examination on the merits. Elected Claims 1-4 read on the elected species. Accordingly, claims 5-10 are canceled as being drawn to non-elected inventions. Applicant reserves the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

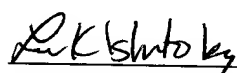
Conclusion

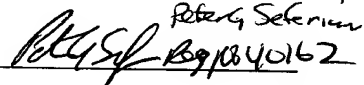
The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

09/16/02

Date


Lance K. Ishimoto


Reg. No. 41,866

LEXICON GENETICS INCORPORATED
(281) 863-3333



24231

PATENT TRADEMARK OFFICE